

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NECA-IBEW PENSION TRUST FUND and	)	Case No. 10-cv-00440 (LAK) (HBP)
DENIS MONTGOMERY, on Behalf of	)	
Themselves and All Others Similarly Situated,	)	
	)	<u>CLASS ACTION</u>
Plaintiffs,	)	
	)	
v.	)	ECF CASE
	)	
BANK OF AMERICA CORPORATION,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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**DECLARATION OF C. MICHAEL PLAVI, II IN SUPPORT OF  
PLAINTIFFS' MOTION FOR LEAVE TO FILE A  
SECOND AMENDED CLASS ACTION COMPLAINT**

I, C. Michael Plavi, II, declare as follows:

I am an attorney duly licensed and entitled to practice law in California and have been admitted *pro hac vice* in this matter. I am a member of the law firm Finkelstein & Krinsk LLP, attorneys for Lead Plaintiff NECA-IBEW Pension Trust Fund (“NECA-IBEW”) and individual plaintiff Denis Montgomery (collectively “Plaintiffs”) in this action. I submit this declaration in support of Plaintiffs’ motion for leave to file a Second Amended Class Action Complaint.

1. **Exhibit A**, attached hereto, is a true and correct copy of a redlined version of Plaintiffs’ proposed Second Amended Class Action Complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 15, 2012 in San Diego, California.

  
C. Michael Plavi, II